

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

BUILDING CODE APPEALS BOARD
DOCKET NO. 11-1074

Marvin Fredberg,
Appellant

v.

Town of Barnstable,
Appellee

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BOARD'S DECISION ON APPEAL

Introduction

This matter came before the State Building Code Appeals Board ("Board") on Appellant's appeal application filed pursuant to G.L. c.143, §100 and 780 CMR 122.1 ("Application"). Appellant sought a variance from 780 CMR 302, with respect finishing a living space within a garage building, constructed with exposed wood post and beam framing system, located at 204 Little River Road, Cotuit, Town of Barnstable, MA.

Procedural History

On or about October 19, 2011, a Local Inspector for the Town of Barnstable issued the following decision:

This letter is to follow up on the above references application for a building permit to finish the second floor storage space (convert to living space) of the new detached garage at 204 Little River Road. Unfortunately, the application cannot be approved at this time. The proposed fire separation does not meet the requirements of the Eighth Edition of the Massachusetts State Building Code 780 CMR according to section R302 "Fire-Resistant Construction."

The Board convened a public hearing on December 1, 2011, in accordance with G.L.c. 30A, §§10 & 11; G.L.c. 143, §100; 801 CMR 1.02; and 780 CMR 122.3. All interested parties were provided an opportunity to testify and present evidence to the Board. The following exhibits were admitted in evidence: (1) State Building Code Appeals Board Appeal Application (received November 8, 2011), including related documentation; (2) photographs of exterior of garage building and part of interior showing elements of post and beam framing in garage area.

Discussion

Appellant discussed proposed compliance alternative to install sheet rock to fully cover joists, as shown in Exhibit 2, while butting up to carrying beams to provide protection to the garage ceiling. Where sheet rock meets the sides of the carrying beams, the joints would be sealed.

Conclusion

The Board considered a motion to allow a variance from 780 CMR R302 with conditions that: (1) a 5/8" thick sheet rock barrier is installed between the garage and habitable space (above) and egress; (2) joints where sheet rock meets supporting beams will be caulked; (3) Appellant shall install heat detection in accordance with NFPA 72 in the front part of the garage ("Motion"). The Motion was **approved** by unanimous vote.



H. Jacob Nunnemacher

Jeffrey Putnam, Chair

Alexander MacLeod

Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to Superior Court in accordance with G.L. c.30A, §14 within 30 days of receipt of this decision.

DATED: February 7, 2012